

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

BANCO POPULAR DE PUERTO RICO,)
)
)
Plaintiff,)
)
)
v.) Civil No. 2009-153
)
)
MAJESTIC CONSTRUCTION, INC., JAMES H.)
STURGESS, CHERYL A. STURGESS,)
GOVERNMENT OF THE VIRGIN ISLANDS)
BUREAU OF INTERNAL REVENUE,)
)
)
Defendants.)
)
)
GOVERNMENT OF THE VIRGIN ISLANDS)
BUREAU OF INTERNAL REVENUE,)
)
)
Cross-claimant,)
)
)
v.)
)
MAJESTIC CONSTRUCTION, INC., JAMES H.)
STURGESS, CHERYL A. STURGESS,)
)
)
Cross-claim defendant.)
)
)

APPEARANCES:

Justin K. Holcombe, Esq.
Dudley Topper & Feuerzeig
St. Thomas, VI
For Banco Popular de Puerto Rico,

Henry C. Smock, Esq.
Smock & Moorehead
St. Thomas, VI
For the defendants Majestic Construction, Inc., James H. Sturgess, and Cheryl A. Sturgess,

Claude Walker, AG
Carol Thomas-Jacobs, AAG
Virgin Islands Department of Justice
St. Thomas, VI
For the Government of the Virgin Islands Bureau of Internal Revenue.

ORDER

GÓMEZ, J.

Before the Court is the motion of Banco Popular de Puerto Rico ("Banco Popular") to release the funds paid into the Court by the United States Marshal's office.

On October 29, 2009, Banco Popular initiated this action for debt and foreclosure against Majestic Construction, Inc. ("Majestic"); James H. Sturgess and Cheryl A. Sturgess (collectively the "Sturgesses"); and the Government of the Virgin Islands Bureau of Internal Revenue (the "VIBIR").

On October 8, 2010, Banco Popular moved for summary judgment against Majestic, the Sturgesses, and the VIBIR. None of the defendants opposed the motion.

On May 27, 2011, the Court granted Banco Popular's motion for summary judgment. The judgment foreclosed liens on four properties owned by Majestic. Those properties are described in the May 27, 2011, Judgment as:

Parcel No. 15A-8-B-5 Estate Rendezvous and Ditliff, No. 15A Cruz Bay Quarter, St. John, U.S. Virgin Islands, as shown on O.L.G. Drawing No. D9-5149-T91; Parcel No. 15A-8-B-6 Estate Rendezvous and Ditliff, No. 15A Cruz Bay Quarter, St. John, U.S. Virgin Islands, as shown on O.L.G. Drawing No. D9-5149-T91; Parcel No. 17E Estate Bovoni, Nos. 1 and 2 Frenchman's Bay Quarter, St. Thomas, U.S. Virgin Islands, as shown on O.L.G. Drawing No. A9-379-T90; and Parcel No. 1-1-16 Estate Grunwald, No. 12B Cruz Bay Quarter, St. John,

U.S. Virgin Islands, as shown on OLG Drawing No. D9-5610-T93.

Judgment, May 27, 2011, ECF No. 28, at 1-2. The May 27, 2011,

Judgment awarded Banco Popular

the principal amount of One Hundred Seventy-Eight Thousand Two Hundred Fourteen Dollars and Nineteen Cents (\$178,214.19), plus accrued interest as of September 2, 2010, in the amount of Fourteen Thousand Four Hundred Ninety-Three Dollars and Fifty-Three Cents (\$14,493.53), plus late charges in the amount of Twenty Thousand Four Hundred Thirty-Two Dollars and Twenty Cents (\$20,432.20), for a total sum of Two Hundred Thirteen Thousand One Hundred Thirty-Nine Dollars and Ninety-Two Cents (\$213,139.92). Interest continues to accrue at the daily rate of \$25.98 and late charges continue to accrue at the rate five percent (5%) of the monthly payment due until the date of this Judgment. Thereafter, interest will accrue at the statutory rate until satisfied.

Judgment, May 27, 2011, ECF No. 28, at 10.

Thereafter, on October 26, 2012, the Court issued a writ of execution for the judgment in the amount of \$220,682.79. Interest has accrued on that judgment at the statutory rate.

Pursuant to the Court's May 27, 2011, Judgment, on April 11, 2013, the United States Marshal sold the Properties described therein. Parcel No. 15A-8-B-5 Estate Rendezvous and Ditliff, No. 15A Cruz Bay Quarter, St. John, U.S. Virgin Islands, as shown on O.L.G. Drawing No. D9-5149-T91, was sold to Eric Mueller for \$76,500.

Parcel No. 15A-8-B-6 Estate Rendezvous and Ditliff, No. 15A Cruz Bay Quarter, St. John, U.S. Virgin Islands, as shown on O.L.G. Drawing No. D9-5149-T91; Parcel No. 17E Estate Bovoni,

Nos. 1 and 2 Frenchman's Bay Quarter, St. Thomas, U.S. Virgin Islands, as shown on O.L.G. Drawing No. A9-379-T90; and Parcel No. 1-1-16 Estate Grunwald, No. 12B Cruz Bay Quarter, St. John, U.S. Virgin Islands, as shown on OLG Drawing No. D9-5610-T93, were sold to Banco Popular for \$12,000, \$56,000 and \$76,000 respectively. In total, the Properties sold for \$220,500.

On May 28, 2013, the Marshal deposited \$76,500 into the Court's registry. The \$76,500 represents the proceeds from the sale of Parcel No. 15A-8-B-5 Estate Rendezvous and Ditliff, No. 15A Cruz Bay Quarter, St. John, U.S. Virgin Islands, as shown on O.L.G. Drawing No. D9-5149-T91, to Eric Mueller.

On February 5, 2014, the Court entered an order confirming the Marshal's sale as to the properties sold to Banco Popular.¹ That order omitted confirmation of the sale as to Eric Mueller. On April 17, 2014, Banco Popular moved to correct the February 5, 2014, Order pursuant to Fed. R. Civ. P. 60(a). On February 3, 2015, the Court entered an order amending the February 5, 2014, Order to approve and confirm the sale as to Eric Mueller.

Banco Popular now moves for the release of the \$76,500 plus accrued interest from the Court's registry. When the \$220,682.79

¹ Parcel No. 15A-8-B-6 Estate Rendezvous and Ditliff, No. 15A Cruz Bay Quarter, St. John, U.S. Virgin Islands, as shown on O.L.G. Drawing No. D9-5149-T91; Parcel No. 17E Estate Bovoni, Nos. 1 and 2 Frenchman's Bay Quarter, St. Thomas, U.S. Virgin Islands, as shown on O.L.G. Drawing No. A9-379-T90; and Parcel No. 1-1-16 Estate Grunwald, No. 12B Cruz Bay Quarter, St. John, U.S. Virgin Islands, as shown on OLG Drawing No. D9-5610-T93.

judgment awarded to Banco Popular is reduced by Banco Popular's credit bids of \$12,000, \$56,000, and \$76,000--totaling \$144,000--the outstanding judgment balance, noninclusive of interest, is \$76,682.79.

The premises considered, it is hereby
ORDERED that Banco Popular's motion is **GRANTED**; it is further

ORDERED that the Clerk of the Court shall release \$76,500 plus any related accrued interest from the registry of the Court to Banco Popular.

s_____
CURTIS V. GÓMEZ
District Judge